



Certified Article Number

7160 3901 9845 4630 5779

SENDER'S RECORD

Matt Blunt
Governor
State of Missouri

David T. Broeker, Director
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance
Financial Institutions
and Professional Registration
Douglas M. Ommen, Director

STATE BOARD OF REGISTRATION FOR THE HEALING ARTS

3605 Missouri Boulevard

P.O. Box 4

Jefferson City, MO 65102-0004

573-751-0098

866-289-5753 TOLL FREE

573-751-3166 FAX

800-735-2966 TTY

website: www.pr.mo.gov/healingarts.asp

Tina Steinman

Executive Director

December 20, 2007

Kurt Guindon, M.D.
79 Table Rock Drive
Holiday Island, AR 72631

Certified Mail Receipt Number
7160 3901 9845 4630 5779
Return Receipt Requested

Dear Dr. Guindon:

As you may already know, the State Board of Registration for the Healing Arts met via conference call on December 9, 2007. One of the items discussed at this conference call was your application for a permanent license in Missouri.

It was the board's decision to deny your request for permanent licensure pursuant to §§334.100.1 and 334.100.2(4), (5), (25), RSMo, which state:

334.100. 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

....

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

....

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

....

(25) Being unable to practice as a physician and surgeon or with a specialty with reasonable skill and safety to patients by reasons of medical or osteopathic incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

....

If you wish to appeal the Board's denial you may do so by filing a formal complaint with the Administrative Hearing Commission pursuant to Chapter 621, RSMo. The Administrative Hearing Commission will hold a formal adversarial hearing at which time you may be represented by an attorney. It will be incumbent upon you to provide by admissible evidence that you are entitled to a license.

According to Section 621.120, you must file the complaint "within thirty days after the delivery or mailing by certified mail" of this notice. You may contact the Administrative Hearing Commission at P.O. Box 1557, Jefferson City, Missouri 65102.

Should you have any questions, please do not hesitate to contact this office.

Sincerely,



Tina Steinman
Executive Director

TS/srd